



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,496	11/28/2003	Kung Cheng Chen	BHT-3098-162	7678

7590 08/17/2005

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

SWENSON, BRIAN L

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,496

Applicant(s)

CHEN, KUNG CHENG

Examiner

Brian Swenson

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,877,764 issued to Sagol.

Sagol teaches in Figures 1-5C and respective portions of the specification of: a pushcart with telescopic handle (18), comprising: a base seat (12), several wheels (14) being mounted on one face of the base seat (Figure 1A); and a dragging apparatus (18) disposed on the face of the base seat (12), the dragging apparatus including a first slide rail (54) and a second slide rail (22), the first slide rail being fixed on the base seat (Figure 1A), a first stopper section (see element 50; Figures 2A-4) being disposed at one end of the first slide rail (54), the second slide rail (22) being fitted in the first slide rail and reciprocally slidable out of or into the first slide rail (Figures 1C and 4), a second stopper section (see at least element 110) being disposed at one end of the second slide rail, the first stopper section serving to stop the second stopper section (Figure 3A), whereby when extending the second slide rail, the second slide rail will not detach from the first slide rail (Figure 3A), a handle section (18, 26; Figures 1A-1C) being

Art Unit: 3618

disposed at the other end of the second slide rail for pushing/dragging the first slide rail to drive the base seat, said pushcart being characterized in that the pushcart further comprising a pivot section (see at least Figures 2A-4) disposed on the second slide rail, whereby the pivot section is reciprocally slidable out (see at least Figures 1C and 4) of or into the first slide rail along with the second slide rail, after the second slide rail is extended out of the first slide rail, the pivot section being positioned on outer side of the first slide rail, whereby the second slide rail can be swung relative to the first slide rail (see at least Figures 2A-4).

In regards to claim 3, Sagol teaches of the first slide rails consisting of a pair of hollow tubes (54) and second slide rails consisting of a pair of bar bodies (22) that fit within the first slide rails; with the two shapes corresponding to each other as shown in Figures 1C and 3A.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sagol, as applied to claims 1 and 2 above, in view of U.S. Patent No. 6,536,796 issued to Solomon.

Sagol discloses the claimed invention except for teaching of a third slide rail to telescopically fit within the second slide rail.

Telescoping handles are well-known in the cart art. Solomon teaches in Figures 1-13 and respective portions of the specification of: a wagon with a handle section that contains two rails (34) and (36; Figures 6 and 7 for example) that are telescopically inserted, relative to each other and whose outer peripheries correspond to each other. It would have been obvious to one having ordinary skill in the art at the time of invention to provide a third slide rail nested within the second side rail of the handle assembly, as taught by Solomon in the invention taught by Sagol. One would be motivated to provide a telescoping third slide positioned within the second side rail to allow the handle to accommodate a variety of user heights.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 3,762,739 issued to Tabet teaches of a hand truck with a slideable handle.

U.S. Patent No. 6,409,207 issued to Kuo teaches of a handle that includes a pivot portion; see particularly Figures 1, 4 and 6-7.

U.S. Patent No. 6,575,274 issued to Huang teaches of a handle that includes a pivot portion.

U.S. Patent No. 6,474,665 issued to Fink et al. teaches of mobile pedestal with a stowable handle.

U.S. Patent No. 5,497,865 issued to Yun-Pi teaches of telescopic handle.

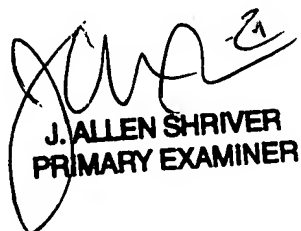
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BS 8/15-05
bls

Brian Swenson
Examiner
Art Unit 3618


J. ALLEN SHRIVER
PRIMARY EXAMINER